

Subramaniam v Beal

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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

Denise Subramaniam

Plaintiff,

v.

Daniel Andrew Beal

Defendant

Civil Action No. 14-1482-SI

COMPLAINT

Jury Trial Demanded

COMPALINT PURSUANT TO FEDERAL 18 U.S. CODE § 2721 AND 18 U.S.

CODE § 2261A AND TITLE 28 U.S.C. § 1361 AND 18 U.S. CODE § 4

I. PARTIES

PLAINTIFF is Denise Subramaniam, representing herself. She is citizen of the state of Oregon.

DEFENDANT is Daniel Andrew Beal. He is a resident of the state of Texas and sole owner of Beal Financial Services, Beal Service Corporation, Beal Bank and hundreds of other corporations that primarily exist as “shell” corporations located in Texas, Nevada, Florida and other states across the country. Daniel Andrew Beal can be served at his publically known place of employment, Beal Bank, located at 6000 Legacy Drive, Plano TX 75024, Phone: 469-467-5000. (Please note Daniel Andrew Beal has demonstrated a history of evasion of service. Alternatively he may be served through the law offices of Dentons (US) LLP, 2000 McKinney Ave, Suite 1900, Dallas, TX 75201, Phone: 214 259 1862. He obtained counsel from them in the past.)

II. JURISDICTION

Jurisdiction is proper in this court due to diversity of citizenship and federal question. Defendant, Daniel Andrew Beal (Beal) lives in Texas while Plaintiff lives in Oregon; the Defendant’s actions giving rise for my complaint were planned and ordered from Texas, and were and are continuing to be carried out in

1 Oregon. This court has jurisdiction under 28 U.S. Code § 1331 “Federal Question” because the District
2 Courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the
3 United States. The Driver Privacy Protection Act, 18 U.S. Code § 2721 *et seq.* (the “DPPA”), 18 U.S. Code
4 § 2261A (Federal Anti-Stalking Legislation), 18 U.S. Code § 4 (Misprision of Felony) and 28 U.S.C. § 1361
5 (Action to compel an officer of the United States to perform his duty) are all laws, or treaties of the United
6 States.

7 III. BACKGROUND

8 I, the Plaintiff in this matter, and a group several other homeowners across the country have been victimized
9 for many years by the Defendant through various illegal acts he has committed against us through his
10 corrupt corporate enterprise comprised mostly of shell corporations, their associates and affiliates, that
11 include a variety of law firms and attorneys working for these law firms that operate under the Lender
12 Processing Services, Inc. (LPS) umbrella indentified by the United States as a corporate vehicle used by
13 convicted felon Lorraine Brown in the commission of her crimes; and the crimes of unnamed co-
14 conspirators identified by the United States. *United States of America v. Lorraine Brown, Case No. 3:12-cr-198-*
15 *J-25 MCR, (M.D. Fla.)*

16 Plaintiff and some of these other victims, collectively the “Beal victims”, have been reporting the activities
17 of the Defendant and his corrupt enterprise to federal government agencies responsible for investigating and
18 prosecuting these crimes including the IRS, the FBI and the U.S. Justice Department; and to various State
19 government agencies including our State Attorney Generals, State Bar Attorney Disciplinary bodies, our
20 County District Attorneys, our police and/or Sheriff departments etc.

21 Although our reporting of the Defendant’s crimes has been going on for many months (and we have reason
22 to believe that at least some of these government and regulatory agencies are investigating because they

1 have requested copies of documents in our possession) the Defendant's knowledge of our collective
2 reporting is recent. This knowledge has prompted the Defendant to commit a series of retaliatory actions
3 against the most vocal and most public of the Beal victims.

4 Beal victims the Defendant has targeted for retaliation and for surveillance and stalking activities are me,
5 Cammy Depew in Louisiana, Catherine "Cathy" Gebhardt in Tennessee, the Randle family in California,
6 and the Breitling family in Texas.

7 Not being a trained attorney, I will articulate to the best of my ability what has occurred leading up to this
8 complaint. The following facts are presented in a chronological order as follows:

9 **Around April 2013** Jo Ann and Samuel Breitling visited the address of MGC Mortgage Inc. (MGC) and
10 LNV Corporation (LNV) owned by the Defendant. Both these corporate entities provide Secretary of State
11 Corporation Divisions throughout the United States a corporate address of: 7195 Dallas Parkway, Plano,
12 Texas. This is also the address provided to consumers. The Breitlings took photographs of this address
13 which is an empty lot. Many of the Defendant's victims have used these photographs in their court
14 pleadings as exhibits. I had attached these photographs as Exhibit J to my Objection to MGC's Motion to
15 Dismiss in Subramaniam v. Beal et al, case # 3:12-CV-1681 in this District Court.

16 **Around October 2013** Jo Ann Breitling provided an affidavit in the case of LNV vs. Gebhardt, in the
17 United States District Court Eastern District of Tennessee at Knoxville, Case No.: 3:12-CV-468-TAV-HBG.
18 Jo Ann's affidavit testimony was specific to a pattern of abuse of judicial process, fraud upon the court and
19 mortgage servicing fraud perpetrated on her by MGC.

20 **On April 10, 2014** the Breitlings had hand delivered a cease and desist letter to Dovenmuehle Mortgage
21 Inc. (DMI) an affiliate of the Defendant's corrupt corporate enterprise that acts as an agent for him and his

1 enterprise, located at 1 Corporate Drive, Suite 360, Lake Zurich, IL 60047. This letter concluded a series of
2 written requests for debt validation the Breitlings had sent under the Fair Debt Collection Practices Act,
3 specific to a debt demand letter sent to the Breitlings by the law firm of Codilis & Stawiarski, P.C. (an LPS
4 service provider) dated January 14th 2014.

5 **On April 14, 2014** LNV filed an “*in Rem*” petition for foreclosure against the Breitlings property in the
6 134th Dallas County District Court with Judge Dale Tillery presiding. (*LVN vs. Breitlings, cause number*
7 *DC-14-04053; 134th Dallas County Texas District Court. (<http://courts.dallascounty.org>)* Codilis &
8 Stawiarski, P.C. attorney Jeffery Hardaway was their counsel.

9 A history of litigation extending beyond three years existed between the Breitlings, as plaintiffs, against
10 Beal’s companies MGC and LNV as defendants in the 116th Dallas County District Court where the
11 Honorable Judge Tonya Parker had already denied MGC’s many motions for a summary judgment due to
12 genuine questions of material fact pertaining to whether LNV’s claims that it is the holder or “holder in due
13 course” of the Breitlings’ mortgage note and deed of trust fit the legal requirements of a “holder in due
14 course” and whether the instrument they claim to hold is in fact negotiable.

15 Dallas County Local Rules 1.06 and 1.07 allow for transfer back to an original court whenever any pending
16 case is so related to another case previously filed in or disposed of by another Court of Dallas County
17 having subject matter jurisdiction that a transfer of the later case to such other Court would facilitate orderly
18 and efficient disposition of the litigation. The Defendant and his attorneys would also have known this.

19 An “*In Rem*” petition is specifically designed for use when property is vacant abandoned and an eyesore to
20 the neighborhood or subject to vandalism and where the owner is unknown; and LNV falsely stated such in
21 its petition. The Breitlings have owned and lived in their home for 32 years. Their son, Matthew, who has
22 Down’s Syndrome and was diagnosed with a rare and life threatening auto-immune condition just last year

1 lives with them. Samuel Breitling served in the U.S. military for a number of years then served as a Dallas
2 police officer for 33 years. Both he and Jo Ann are senior citizens and disabled. The legal question was
3 never about whom were the owners of the property, it was always clear that the Breitlings owned the
4 property; the question was whether or not LNV was truly a "holder in due course" of the note and deed and
5 of trust. The Defendant was well aware of this.

6 **On or round May 28, 2014** in the case of LNV vs. Gebhardt, in the United States District Court Eastern
7 District of Tennessee at Knoxville, Case No.: 3:12-CV-468-TAV-HBG Jo Ann Breitling, Cammy Depew
8 and I filed motions to intervene, a motion for relief under Rule-60(b) and six motions for judicial notice:

- 9 1. INTERVENERS' MOTION FOR JUDICIAL NOTICE OF CRIMINAL INDICTMENT AND
10 CONVICTION BY JURY OF JERRY D. KERLEY
- 11 2. INTERVENERS' MOTION FOR JUDICIAL NOTICE OF INFORMATION AND CRIMINAL
12 INDICTMENT AND PLEA AGREEMENT OF LORRAINE BROWN
- 13 3. INTERVENERS' MOTION FOR JUDICIAL NOTICE OF THE DEPOSITIONS OF NWTs
14 EMPLOYEES AND COURT OPINIONS
- 15 4. INTERVENERS' MOTION FOR JUDICIAL NOTICE OF THE SOUTHGATE AND BEMONT
16 CASES
- 17 5. INTERVENERS' MOTION FOR JUDICIAL NOTICE OF DEPOSITION TRANSCRIPT OF
18 JUDY FABER

19 **On June 17, 2014** I wrote a complaint letter that included my address requesting an investigation into the
20 criminally fraudulent activities of an attorney, Charles King, employed by DMI to the Attorney Registration
21 & Disciplinary Commission of the Supreme Court of Illinois, (ARDCSCI). My letter included evidence that
22 the Defendant and his corporate enterprise in collusion with DMI are involved in a scheme or artifice to
23 defraud, illegal money laundering, illegal gambling activities, extortion and more.

24 Attorney Charles King had phoned the Tennessee State Bank on September 19, 2013. Sherry Cole, an
25 employee of the bank answered the call. The caller ID showed "U.S. Government" and Charles King
26 identified himself by name but misrepresented himself as a government employee with "Mortgage Relief

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1 Aid” when he is truthfully employed by DMI. Charles King’s call was about a Bank of America Fed-wire
2 account provided to MGC victims in payoff letters instructing them to wire funds into the account to pay off
3 their mortgages or to pay off defaults on their mortgages. (See **Exhibit A: Letter by Sherry Cole about this**
4 *incident, Letter from Bank of America about this incident, and Fed-wire receipts.*)

5 Catherine Gebhardt had transferred a small sum into this Fed-wire account expecting a rejection receipt. She
6 expected this because she, Cammy Depew and I had made a series of tape recorded phone calls where Cathy
7 or I spoke with Bank of America employees and either Cammy or Cathy or I listened silently on speaker to
8 Bank of America employees. We inquired about this account multiple times; and each time we were told it
9 was not a valid account.

10 Therefore we were surprised when the funds were accepted. Cathy spoke with a former Tennessee Bureau
11 of Investigations (TBI) agent about this and he told her that someone inside Bank of America must have set
12 up a “special” account that was “flying under the radar” so most Bank of America employees would not be
13 able to access it. Cathy decided to try another wire transfer this time leaving off the word “Chicago” in the
14 instructions given in the MGC pay-off letters. This transaction was rejected and prompted the phone call
15 from Charles King; after which the first transaction that had been accepted two weeks earlier was also
16 rejected.

17 After the phone call by Charles King to the Tennessee State Bank we did further investigation and
18 discovered a Charles King works for Bank of America, and a Charles King works for DMI. (See **Exhibit B:**
19 *Charles King information sheet.*)

20 Charles Elliott King is a young attorney who graduated from the University of Michigan Law School in
21 2011 and took a position with DMI in 2012. He became a member of the Illinois Bar on January 29, 2013.
22 The Charles King who works for Bank of America is an older man who has been with Bank of America for

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1 30 years. He specializes in private wealth management (his clients would be individuals like the Defendant)
2 and he has access to Bank of America's computer systems and would have the knowledge and experience to
3 set up a "special" account as the former TBI agent described to Cathy. Cathy spoke with Shelly Cole and
4 asked if the man who phoned sounded like a young man or an older man. Shelly told Cathy the man
5 sounded older.

6 Cathy wrote a letter to Bank of America inquiring about whether the Charles King in their employ was the
7 man who made the phone call to her bank. Bank of America wrote a letter in response stating that it was not
8 an employee of Bank of America who made the call and that it had to have been the Charles King employed
9 by DMI. (See Exhibit A – Letter from Bank of America about Charles King.)

10 Through several other taped and witnessed phone calls to Bank of America we were told that this Bank of
11 America Fed-wire account was a "legacy" global account where DMI was the domestic go-between for an
12 undisclosed overseas beneficiary. This account is consistent with accounts the FBI uncovered in their
13 investigation of Helly Nahmad and his co-conspirators within the Nahmad-Trincher Russian crime
14 organization indicted in August 2013 for racketeering, money laundering, extortion, fraud, operating illegal
15 poker rooms in New York City, enterprise laundering of money from Russia and the Ukraine through
16 Cyprus shell companies and bank accounts to the U.S. Visit the FBI Website for more information:
[http://www.fbi.gov/newyork/press-releases/2013/manhattan-u.s.-attorney-charges-34-members-and-associates-
of-two-russian-american-organized-crime-enterprises-with-operating-international-sportsbooks-that-laundered-
more-than-100-million](http://www.fbi.gov/newyork/press-releases/2013/manhattan-u.s.-attorney-charges-34-members-and-associates-of-two-russian-american-organized-crime-enterprises-with-operating-international-sportsbooks-that-laundered-more-than-100-million)

17 These facts specific to the FBI investigation and U.S. indictment of Helly Nahmad and his co-conspirators
18 were included in my letter to the ARDCSCI and the source of this information was referenced in my letter.
19 Also attached to my letter were:

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- 1 1. a published article from the New York Observer specific to the arrest of Helly Nahmad and his co-
- 2 conspirators that states, "Several sources with firsthand knowledge of the games named some of the
- 3 players, including household names in the world of finance such as Daniel Andrew "Andy" Beal,
- 4 chairman of Beal Bank, who makes no secret of his enjoyment of and expertise in poker...";
- 5 2. an online posting stating that the Defendant was seen in Minsk Russia for poker games in 2012 with
- 6 his Ferrari with Florida plates;
- 7 3. and other evidence specific to the way Beal operates his business enterprise that show his corporate
- 8 enterprise is engaged in a pattern of fraud and racketeering activities. (See **Exhibit C: New York**
- 9 *Observer article, Beal and his Ferrari in Minsk Russia.*)

10 Other victims of the Defendant's crimes filed their own complaints with the ARDCSCI. They referenced
11 my complaint so as not to have to repeat what I already provided, then they provided the ARDCSCI, as well
12 as other government authorities, including but not limited to the IRS and the FBI, with additional evidence
13 specific to their own litigation and experiences with MGC, LNV and DMI.

14 **On July 30, 2014 at 9:42 AM CST (i.e. 7:42 AM PST or Oregon time)** Jo Ann and Samuel Breitling filed
15 a pro-se letter to the court in the case LNV vs. Breitlings, cause number DC-14-04053; 134th Dallas County
16 Texas District Court. (<http://courts.dallascounty.org>) I gave the Breitlings permission to attach the letter I
17 wrote on June 17, 2014 to the ARDCSCI as evidence of fraud and criminal activity by the Defendant, his
18 employees and corporate associates.

19 This was apparently the first time my letter to the ARDCSCI came to the direct attention of the Defendant.

20 **On July 30, 2014** at around **1:25 P.M. PST** (approximately six hours later) I noticed a black Lincoln Town
21 Car Signature Limited with a custom roof parked at the end of my driveway. I had no idea at that time this
22 car was connected with the Breitlings legal proceedings; but this is not a type of car typically seen in my

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1 neighborhood and the fact that it sat at the end of my driveway for an extended period of time was highly
2 suspicious, so I took photographs of the car from inside my home and then went outside to capture the
3 license plate. When the driver saw me taking photographs he sped away. I've attached copies of some of
4 the photos, (**See Exhibit D: Photos of the Black Lincoln in my driveway**). The internal date stamp on the
5 first photo is 7/30/2014 1:34 P.M.

6 The exact make and model of this car was confirmed by a Lincoln dealership. The employee I spoke who
7 has extensive knowledge about the history of the Lincoln line of vehicles told me that this custom roof
8 makes the owner of the car traceable because it was a rare and expensive after-market add-on that could be
9 installed only by a select number of shops.

10 A black 2002 Jeep Grand Cherokee was parked in my driveway on July 30, 2014. It can be seen in the
11 photographs in Exhibit B. I bought the Jeep on or around July 17, 2014. I could not immediately register the
12 Jeep and transfer the title into my name because the party I bought it from got it from his grandfather and
13 was still waiting for the title in his name to arrive from the Oregon Department of Motor Vehicles, (DMV).

14 Also seen in the photos is a Hyundai Accent. The license plate on this car would have been visible to the
15 driver of the black Lincoln Town Car. Not seen in the photographs were other vehicles parked on my
16 property.

17 **On August 1, 2014**, two days after I photographed the Lincoln Town Car in my driveway the seller of my
18 Jeep phoned me. He asked me if I'd been in an accident with the Jeep. I had not and asked why he'd think
19 that. He said someone left a voice mail message saying they were an insurance company and the Jeep was in
20 an accident. They wanted to ask some questions and left a phone number. I asked for the phone number. It
21 was: **972-276-0346**.

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1 I immediately did a Google search on the number. It is a Texas land line associated with the address: 1515
2 Whiteoak Dr. #A, Garland, TX 75040. Three people came up associated with this number; Michael and
3 Debra Dyer and Virginia Castaneda. Garland Texas is a small town near Plano Texas where Beal is located.
4 This was too much to be coincidence, so I phoned JoAnn Breitling and asked her to call the number to see
5 who it was. She said a woman answered the phone as "Dyer Investigations."

6 Another Google search on the names "Castaneda" and "Beal" bring up a record for Rafael Castaneda who
7 works for Beal Service Corporation, 6000 Legacy Drive, Plano, Texas, 75024. (See Exhibit E: Screen shots
8 of online information about the phone number leading to Beal Service Corporation.)

9 The only way that the Defendant's agent (Dyer Investigations) could have gotten the phone number for the
10 person who sold me the Jeep was by doing an illegal DMV search on its license plate. The only way they
11 could have gotten the Jeep's license plate was from the Lincoln Town Car seen and photographed in my
12 driveway on July 30, 2014.

13 **Ongoing Surveillance and Stalking Since July 30, 2014**

14 Where my property is located it is exceptionally difficult to do ongoing surveillance using a vehicle. There
15 is no place a vehicle could park and observe my property without being noticed as suspicious; especially
16 since the Sheriff Deputies patrol frequently. Since the initial surveillance incident by the Defendant on July
17 30, 2014, (definitely traced to the Defendant), I have noticed individuals not known to be from my
18 neighborhood jogging or walking past my home at fairly regular intervals. It is true that there is and has
19 been a considerable amount of foot traffic past my home and therefore I cannot definitely connect any of
20 these individuals to the Defendant and his surveillance agents, but prior to July 30, 2014 I never noticed

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1 “joggers” passing my home (sometimes stopping and observing my property) around mid-night and into the
2 early morning hours before sunrise.

3 **On August 21, 2014** my neighbor phoned me and reported that he saw a man whom he did not recognize as
4 someone from our neighborhood standing just outside of the southeast corner of my property around 7:00
5 PM on August 20, 2014. My neighbor thought this man was suspicious. The man was looking in the
6 direction of my home and stood there for some time.

7 I checked my home surveillance system and the location where my neighbor reported seeing the man
8 standing was just outside the range of my surveillance cameras. From that position he might be able to
9 observe the location of at least two of my home surveillance cameras.

10 **September 16, 2014 at approximately 12:00 AM** I noticed a man walking across the street from my home.
11 I could only see his legs and didn't think too much of it because since July 30, 2014 this has become a
12 common occurrence. I was on the phone with another Beal Victim, and was watching my surveillance
13 cameras as we spoke. At 12:27 AM I saw a man slowly walk into my driveway, coming about three feet into
14 my driveway, within about 1 foot from the back of my Jeep and within about 16 feet of my garage door. He
15 looked at the vehicles in my driveway and looked towards my camera located above the garage door; his
16 head and face were covered and he was wearing something bulky and grey colored. He walked past the back
17 end of a friend's car parked next to my Jeep in my driveway looking towards it the whole time as he passed
18 it. Then he was out of the camera's range.

19 I registered the Jeep in my name on Monday September 8, 2014. I had planned to file this complaint on that
20 day because I feared the Defendant would put a tracking device on my Jeep as soon as he was certain it
21 belonged to me. The other Beal victims urged me not to do so yet; and to find an attorney. I have been

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1 looking but I haven't found one yet that does this kind of law, or who will take my case on contingency as I
2 am disabled and lack the financial resources to pay an attorney.

3 I'm very concerned for my safety whenever I'm away from my home. Family and friends have urged me to
4 be very cautious and to never let my guard down. At my son's insistence I now regularly check for tracking
5 devices on my vehicles and on vehicles of visitors to my home; I now observe everything and everyone
6 around me and search for escape routes or ways to seek help if anyone were to act in a threatening manner
7 towards me; I'm learning how to shoot a gun (again at my son's insistence) and how to protect myself in
8 other ways; I carry mace. I never felt a need to do these things before.

9 These precautions are exceptionally stressful for me. They are difficult for me to do and as a result I seldom
10 leave my home anymore other than to buy food and I limit my shopping to stores within a one or two mile
11 radius from my home. I feel like a prisoner.

12 I'm not sleeping well. Every noise wakes me up. I'm constantly checking my surveillance cameras. I'm not
13 eating as well because I dread going out of the house so I put off shopping until I just can't any longer.

14 Every bit of anguish Jo Ann has felt while fighting to prevent the Defendant from depriving her of her home
15 of 32 years without due process I also feel.

16 **On August 29, 2014** the Breitling's filed a petition against the Defendant, his counsel Jeffery Hardaway of
17 Codilis & Stawiarski, DMI, LNV, MGC, and Dale B. Tillery for violations of her right to due process under
18 the United States and Texas constitutions; for fraud and conspiracy to defraud, fraud upon the court, abuse
19 of judicial process, violations of TILA and RESPA and other violations of law related to the origination,
20 servicing and enforcement of the loan agreement, contract, or lien sought to be foreclosed on. (See Exhibit
21 *G: Breitlings vs. LNV, Dallas County Texas District Court, Case # DC-14-09604; Filed August 29, 2014*)

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1 Texas rules of civil procedure 735 & 736.11 provide for an automatic stay of the trustee sale when a
2 separate, original proceeding is filed that puts in issue any matter related to the origination, servicing or
3 enforcement of the loan agreement, contract, or lien sought to be foreclosed on.

4 I personally sent out numerous faxes and emails informing the Defendant and his agents about this
5 automatic stay.

6 **On August 31, 2014** I woke up with a headache. Later I developed a high fever and an infection and my
7 daughter took me to the emergency room. I was not released until nearly 9:00 PM. I had been experiencing
8 stomach and abdominal pain for several days but thought it was just due to stress. That day I felt that Jo
9 Ann's home was finally safe and after weeks of horrific stress and sleepless nights helping her research the
10 law and reach out to authorities that might help her, my body broke down. After sending out the last round
11 of notifications about the automatic stay in Jo Ann's behalf I became so exhausted that had to take a nap. I
12 awoke a couple hours later shivering and shaking. My sheets under me felt hot; and my stomach pain was
13 unbearable.

14 **On September 2, 2014 at around 3:00 AM** I had to return to the emergency room.

15 **On September 2, 2014 at around 8:00 AM CST time** the Defendant illegally sold Jo Ann's home to
16 himself in spite of the automatic stay. I received this horrible news while awaiting the results of a CT Scan
17 that would determine if I needed emergency surgery. I never expected the Defendant would so blatantly
18 defy the law. I felt every bit of Jo Ann's pain and anguish that day and relived all the horror and distress I
19 felt during my own fight to protect my home against an illegal foreclosure by the Defendant.

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1 Jo Ann's husband, Samuel Breitling, has experienced tremendous stress and anxiety throughout this ordeal
2 and he also was admitted to the emergency room with a serious health condition shortly after the Defendant
3 illegally sold their home.

4 The Defendant's bank is not like a Bank of America. I cannot imagine the CEO or the stockholders of Bank
5 of America illegally accessing my private driver information and that of my friends and associates from our
6 DMV records, putting us under surveillance and terrorizing us like this Defendant has done. I am not the
7 only Beal victim he has put under surveillance, but I am the only one, so far, who caught him in the act, took
8 photographs and obtained evidence to show he is the culprit behind the surveillance.

9 Unlike the CEOs of Wall Street banks, the Defendant does not answer to stock holders; nor does he answer
10 to government regulators; he alone makes every decision regarding the activities of his bank and his corrupt
11 corporate enterprise; he alone is the financial beneficiary of the ill-gotten profits of such activities when they
12 cross the line and become criminal endeavors.

13 IV. STATEMENT OF CLAIMS

14 Driver Privacy Protection Act, 18 U.S. CODE § 2721 *et seq.* (the "DPPA")

15 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

16 As a pro-se litigant I do not have the advantage of a law degree. I do not have the financial resources to hire
17 an attorney, in large part due to the harm caused to me by the Defendant in my own past legal battles with
18 him. Therefore I can only state in plain language what has happened and the federal statutes I believe apply
19 to this situation and which provide me with a remedy.

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1 Plaintiff is the holder of an Oregon driver's license and has more than one vehicle registered with the
2 Oregon Department of Motor Vehicles (DMV).

3 Based on evidence about threats to individuals' privacy and safety from misuse of personal information in
4 state motor vehicle records, Congress enacted the DPPA to restrict the disclosure of personal information in
5 such records without the consent of the individual to whom the information pertains. The DPPA prohibits
6 any state DMV, or officer or employee thereof, from "knowingly disclos[ing] or otherwise mak[ing]
7 available to any person or entity personal information about any individual obtained by the department in
8 connection with a motor vehicle record." 18 U.S.C. 2721(a).⁴ The DPPA defines "personal information"
9 as any information "that identifies an individual, including an individual's photograph, social security
10 number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and
11 medical or disability information," but not including "information on vehicular accidents, driving violations,
12 and driver's status." 18 U.S.C. 2725(3).

13 Any disclosure must comply with those legitimate uses of information identified in the statutory exceptions.

14 The Defendant, through his agent(s), Dyer Investigations and/or Beal Service Corporation and/or other yet
15 unnamed agents obtained "personal information" contained in one or more "motor vehicle record"
16 maintained by the State of Oregon, within the meaning of the DPPA, 18 U.S. CODE § 2721(1) and (3),
17 belonging to those who have not provided "express consent," within the meaning of the DPPA, 18 U.S.
18 CODE § 2725(5) to the State of Oregon for the distribution of their "personal information" for purposes not
19 enumerated by the DPPA, 18 U.S. CODE § 2721(b), and whose "personal information" has been in fact
20 knowingly "obtain[ed]" by the Defendant within the meaning of the DPPA, 18 U.S. CODE § 2724 for
21 purposes of surveillance and stalking of the Plaintiff, her family, friends and associates.

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1 My son was so concerned for my safety when I told him about the Defendant's actions that he asked me not
2 to register the Jeep in my name when I got the title. I suggested registering the Jeep in my son's name, but
3 he feared if the Defendant linked us and discovered his address then I'd lose the only safe haven where I
4 could retreat for protection.

5 My son and my friends suggested I register a company in another state then register the Jeep in that
6 company name. Another relative pointed out this would do nothing to deter someone like the Defendant
7 from discovering I was the owner of the Jeep because if he can access DMV records then he is probably
8 watching for a change in the Jeep's registration and as soon as he notices the registration changed, he could
9 easily discover I was associated with company named on the vehicle's title. Once the Defendant knows the
10 Jeep is registered to me he can have a tracking device installed and could track me; whenever I'm in a
11 location with no witnesses I'd be vulnerable to attempts to kill me.

12 Some of my family members are angry with me and feel that I've put their safety in jeopardy too; they fear
13 that the Defendant's connections with the Russian mob make him an exceptionally dangerous individual and
14 that he would think nothing of harming them to get at me.

15 The Defendant's ongoing surveillance gives my family and friends' reason to believe the Defendant has
16 already obtained their "personal information" from DMV records for purposes not enumerated by the DPPA
17 through the license plates on their vehicles while parked in my driveway at times after July 30, 2014.

18 The Defendant's violations of the DPPA would never have been discovered if I had not noticed the
19 suspicious black Lincoln Town Car at the end of my driveway and had the instinctive response to
20 photograph the car even though I had no clue at the time why it was there. The Defendant violated protected
21 privacy rights under the DPPA to obtain personal information of an association of mine with intent to use
22 this information to discover my relationship with this individual and/or my habits and travel movements.

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1 Most certainly the Defendant obtained my personal information from DMV records (such as my photograph
2 and physical characteristics such as my disability; my social security number, and other protected private
3 information) as well, from the license plate on the Hyundai Accent also parked on my property the day the
4 black Lincoln Town Car was photographed at the end of my driveway.

5 No legitimate businessman puts surveillance on someone and stalks them simply because they filed a
6 complaint against him, his companies, their affiliates, their employees or their affiliates' employees. No
7 legitimate business has his employees or its affiliate's employees use caller ID spoofing and misrepresent
8 themselves as U.S. government employees when phoning a bank about a Fed-wire transaction. No
9 legitimate mortgage servicing company directly sends funds it collects from consumers to pay off their
10 mortgages overseas through a Fed-wire account belonging to another party. The Defendant's business
11 operations are not legitimate; they are criminal.

12 **18 U.S. CODE § 2261A (FEDERAL STALKING LAWS)**

13 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

14 The Defendant violated the DPPA and obtained personal information about me, my associates, my friends
15 and family who visit me and park their vehicles at my home. Defendant did so with intent to put me and my
16 friends and family under surveillance and for purposes of stalking me and other individuals the Defendant
17 learns are close to me in violation of Federal Stalking and Harassment Laws (18 U.S. CODE § 2261A.)

18 The Defendant violated the federal, as opposed to a state, anti-stalking law, because from Texas he ordered
19 the investigation or surveillance activity against me, located in Oregon. He engaged in interstate commerce
20 in the commission of his crime because he accessed Oregon DMV records electronically (most likely via the
21 internet); he or his agents located in Texas phoned the individual located in Oregon who sold me the 2002

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1 Jeep whose protected private driver information he obtained by violating the DPPA and left a voice mail
2 message with an intentionally false claim that the 2002 Jeep his private investigator had seen parked in my
3 driveway on July 30, 2014 had been in an “accident” in order to compel that individual into “answering
4 questions” about me and the Jeep.

5 The Defendant used the guise of being an insurance company (or employed the services of an insurance
6 agent) with intent to obtain information about me and my habits and travel activities with intent to kill,
7 injure, harass and intimidate me and my immediate family members and close friends who visit my home.

8 The Defendant’s conduct towards me has caused, and continues to cause me and my immediate family and
9 close friends who visit or stay at my home extreme emotional distress and fear for our safety.

10 **28 U.S.C. § 1361 (Action to compel an officer of the United States to perform his duty)**

11 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

12 The Defendant has taken retaliatory actions against me and other Beal victims whom he has learned are
13 reporting his activities to Government authorities. The Defendant’s retaliatory actions against us include the
14 accessing of our private driver information protected under the DPPA; acts of surveillance and terrorism
15 with intent to intimidate and/or cause injury and/or with intent to kill; abuse of the judicial process and the
16 undue influence of officers of the court, including judges, to illegally deny these victims due process with
17 intent to deprive them of their property. The Defendant and his agents knowingly and with malicious intent
18 violate the United States Constitution and the laws of Texas, Louisiana, California and other States to
19 perpetrate their retaliatory actions against these named and unnamed victims so as to make them examples
20 of what happens to those who dare to question or challenge him.

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1 The Defendant's victims number into the thousands across the country. The Defendant's abuse of the
2 judicial process is calculated so as to set a false legal precedence to be used by LPS associated foreclosure
3 attorneys and mills as memorandum of law to support summary decisions in future foreclosures; and to
4 thereby potentially deprive thousands of American homeowners of their Constitutional right to due process
5 with intent to deprive them of their property.

6 One fact that is consistent with me and the other Beal victims who are informants: **none of us ever**
7 **defaulted on our mortgages.** We have been fighting the Defendant in the courts as a result of the
8 Defendant's MGC and/or his LPS agents (or their predecessors) creating false claims of default and/or
9 intentionally failing to apply our payments with intent to initiate a foreclosure and thereby wrongfully
10 deprive us property. This can happen to any homeowner at any time. Law enforcement and the FBI have a
11 duty to protect society as a whole; and the scope and extreme of this Defendant's activities undermine the
12 property rights and constitutional due process rights of every American citizen.

13 **Defendant's Pattern of Retaliation**

14 The Defendant has blatantly and aggressively violated several federal and State laws in an attempt to
15 deprive the Breitlings of their property without due process. He has been determined to aggressively deprive
16 the Breitlings of their home because Jo Ann has consistently and openly offered aid to other Beal victims
17 and because she dared to legally challenge him. The Breitlings were among the first of the Beal victims to
18 bring a legal action against the Defendant's MGC. The Breitlings and their attorneys were among the first to
19 recognize a pattern of abuse of judicial process used by the LPS attorneys representing the Defendant's
20 LNV and MGC. They were the first to provide the other Beal victims with proof that the 7195 Dallas
21 Parkway, Plano, Texas address was an empty lot. Jo Ann Breitling provided evidence and affidavits for

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1 other Beal victims to use in their own litigation with the Defendant and his corrupt enterprise. The Breitlings
2 were succeeding against the Defendant in court.

3 The Defendant filed an intentionally deceptive "*In Rem*" petition in the 134th Dallas District Court where he
4 knew he could use his political power and ill-gotten wealth to unduly influence Judge Dale Tillery.

5 Research on Judge Tillery shows he has a reputation for making arbitrary decisions favoring attorneys who
6 treat him to lavish dinners and drinks, and who offer other financial incentives or opportunities for personal
7 gain. (See Exhibit F: About Judge Tillery)

8 Once the Breitlings had a chance to be heard by a fair judge in the Dallas County District Court, the
9 Defendant removed their case to the Federal District Court with intent to once again disadvantage the
10 Breitlings and deny them due process. (*The United States District Court for the Northern District of Texas*
11 *Dallas Division, Civil Action No: 3:14-CV-3322*)

12 Beal victim Kelly Randle and her family have experienced many incidents that indicate the Defendant has
13 them under surveillance and is stalking them. They have been in years of litigation with the Defendant and
14 his LNV and MGC and their LPS agent DMI and various law firms under the LPS umbrella. The Randles
15 had paid an attorney to represent them, but he failed to show up at a hearing allowing LNV to wrongfully
16 foreclose on their property. They discovered this attorney was sanctioned by the California Bar and had
17 been barred from practicing law. Even through the Bar brought legal action against this attorney who had
18 similarly harmed many other consumers; this is of little help to the Randles. They were forced to represent
19 themselves to proceed with litigation and prevent their illegal eviction based on the wrongful foreclosure
20 and sale of their home. As with many of the other Beal victims they have been denied due process by the
21 Defendant's abuse of judicial process and fraud upon the court.

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1 Beal victim Catherine Gebhardt has often observed individuals prowling around her rural property. On one
2 occasion last year a Gebhardt family member asked two such individuals to identify themselves. Instead of
3 doing so they got into their car and sped off. The Gebhardts followed them eventually forcing them to stop.
4 These individuals asked to be allowed to move their car slightly, but as soon as this was allowed they sped
5 off again. The Gebhardts phoned the police and followed the trespassers until they could be stopped again.
6 The woman in the car identified herself to the police and the Gebhardts as Pam Penny with Bank of
7 America. (Bank of America has stated in writing that it has no interest or claim of interest in the Gebhardt
8 property.) The only connection between the Gebhardt property and Bank of America is the incident with
9 Charles King and his phone call the Tennessee State Bank about the Bank of America Fed-wire account
10 MGC provided for mortgage payoffs.

11 Cammy Depew's home was also illegally sold by the Defendant to himself. As with the Breitlings the
12 Defendant and his LPS agents abused the judicial process; violated Cammy's right to due process under the
13 United States and the Louisiana constitutions; violated State foreclosure statutes; committed fraud upon the
14 court; and falsified, forged and fabricated mortgage related documents consistent with the crimes of
15 Lorraine Brown.

16 At a hearing the State Judge denied a motion Cammy filed to stop the sale of her home because she had not
17 framed it correctly. The Judge had not denied this motion "with prejudice" but the Dean Morris attorney
18 representing the Defendant wrote the Order and of his own volition added the "with prejudice" clause. This
19 action amounted to an intentional abuse of process and intent to deny Cammy her due process rights and
20 along with the Defendant's LPS agent's blatant violations of La. C.C. Art. 1839 and RESPA, TILA and
21 HOEPA, it resulted in the Defendant illegally selling Cammy's home.

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1 Just as with the Breitlings; after the State Judge ruled in Cammy's favor and corrected the Order by
2 removing the "with prejudice" clause, indicating that the Judge now acknowledged that the Defendant and
3 his agents abused judicial process and that Cammy might receive due process in that Court, the Defendant,
4 with intent to deprive Cammy of her of her property without due process, removed Cammy's case to Federal
5 District Court. (*Depew vs. LNV Corporation, United States District Court Middle District of Louisiana,*
6 *Case No: 3:14-CV-00284*) The Defendant knows that as a pro se litigant Cammy is severely disadvantaged
7 in the Federal Court.

8 Many of the other Beal victims (named or unnamed herein) have experienced incidents that appear to be
9 phone tapping or hacking, and other surveillance activities of themselves and/or their family members. I had
10 experienced such activities in the past, this is the reason I have a home security system, but these
11 surveillance activities stopped in 2012 after Northwest Trustee Services (the LPS service provider employed
12 by the Defendant in his attempts at perfecting fraudulent foreclosures on my property) filed a recession of
13 default and dropped their claim of standing to foreclose.

14 Only after the Defendant became aware of my letter to the ARDCSCI about the illegal activities of DMI
15 attorney Charles King on July 30, 2014 did he begin the invasive surveillance activities and intentional
16 violations of the DPPA that I complain about herein.

17 Although my Sheriff's Department agreed to increase patrols around my property; they tell me they do not
18 have authority to investigate the Defendant's activities because they fall into the jurisdiction of the FBI.

19 This appears to be correct. The FBI's website states: "Federal law gives the FBI authority to investigate all
20 federal crime not assigned exclusively to another federal agency (28, Section 533 of the U.S. Code.) Title
21 28, U.S. Code, Section 533, authorizes the attorney general to appoint officials to detect and prosecute
22 crimes against the United States. Title 18, U.S. Code, Section 3052, specifically authorizes special agents

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1 and officials of the FBI to make arrests, carry firearms, and serve warrants. Title 18, U.S. Code, Section
2 3107, empowers special agents and officials to make seizures under warrant for violation of federal
3 statutes." (<http://www.fbi.gov/about-us/faqs>)

4 Many of the Beal victims have informed the IRS and the FBI about the Defendant's activities and provided
5 documents when asked. Any citizen who aids an investigation by offering helpful information to the police
6 or the FBI is by definition an informant.

7 The other Beal victims and I do not know where to turn for help, THEREFORE the Plaintiff for herself and
8 in behalf of the other victims beseeches your Honorable Judge to compel the FBI or other appropriate law
9 enforcement to offer us some level of protection from the Defendant's retaliatory actions described herein.

10 **18 U.S. CODE § 4 (Misprision of Felony)**

11 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

12 18 U.S. Code § 4 - Misprision of felony states: "Whoever, having knowledge of the actual commission of a
13 felony cognizable by a court of the United States, conceals and does not as soon as possible make known the
14 same to some judge or other person in civil or military authority under the United States, shall be fined
15 under this title or imprisoned not more than three years, or both."

16 Again we, the Beal victims, do not know where to turn for help, I, the Plaintiff in this case, and the other
17 Beal victims beg your Honorable Judge to report the Defendant's criminal activities to appropriate
18 employees of agencies with authority under the United States who can finally put a stop to the Defendant's
19 surveillance, his harassment, his retaliation, his intimidation of us and the terror and fear he inflicts on us.

PRAYER FOR RELIEF

Plaintiff re-alleges and incorporates by reference all preceding paragraphs as though fully set forth herein.

The Driver Privacy Protection Act, 18 U.S. Code § 2724 provides for the following remedies: (1) actual damages, but not less than liquidated damages in the amount of \$2,500; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorneys' fees and other litigation costs reasonably incurred; and (4) such other preliminary and equitable relief as the court determines to be appropriate.

The Defendant has demonstrated a willful and reckless disregard of the law and no remorse for the horrendous pain and suffering he causes his victims and their families.

WHEREFORE I pray this court appoint a pro bono counsel to assist me in executing subpoenas and in using other discovery methods as permitted by law to obtain DMV evidence and other evidence specific to the Defendant's violations of the driver privacy rights of me, my associates, friends and family and such evidence specific to the Defendant's surveillance activity that I've complained about herein.

I further pray the court grant relief in the form of compensation for actual damages, punitive damages and other such preliminary and equitable relief as the court determines appropriate.



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